

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Bums Drilling & Excavating  
618 Crabapple Road  
Wind Ridge, Pennsylvania 15380

**Re: June 12, 2016 — Templeton Rd. & Brickhouse Rd. Claysville, Washington County, PA**

Dear Sir or Madam:

This office has received information that you' discharged oil and/or hazardous substances in quantities that may be harmful in violation of Section 311(b)(3) of the Federal Water Pollution Control Act, 33 U.S.C. § 1321(b)(3) ("the Act") from a facility located at or near Templeton Rd. and Brickhouse Rd. Claysville, PA ("Facility," as further defined in Enclosure 1). Accordingly, the U.S. Environmental Protection Agency (EPA) would like to obtain additional information regarding the alleged incident or incidents and about efforts you have undertaken at the Facility to inhibit spills of oil and/or hazardous substances including whether you/your facility is in compliance with the Spill Prevention, Control and Countermeasures (SPCC) Regulations found at Title 40 C.F.R. Part 112.

Pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), you are hereby required to submit to EPA the information requested in this letter. If you fail to properly respond to this request, you may be subject to penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to \$51,570 per day of violation. You also may be subject to criminal penalties pursuant to Section 309(c) of the Act, 33 U.S.C. § 1319(c), for negligently or knowingly providing false information in response to this request. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

In accordance with 40 C.F.R. § 2.302(c), you are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will **be** made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice

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For purposes of this letter, the term "you" shall refer to an individual, a company, a partnership, a sole proprietorship, or a corporation, whichever is applicable.



to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

EPA may contract with one or more independent contracting firms (see Enclosure 2) to review the documentation, including documents which you claim are confidential business information (CBI), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employment Program ("SEE Enrollees"). The SEE program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is (are) working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 308(b) of the Act, 33 U.S.C. § 1318(b), and EPA's regulations at 40 C.F.R. § 2.302(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed. Reg. 7187 [1993]). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure 2, you must notify EPA in writing at the time you submit such documents.

### **INFORMATION REQUIRED**

1. Identify all substances released from the Facility in connection with the above referenced discharge, specifically identify:
  - a. The name and Chemical Abstract Services ("CAS") Number for each substance discharged;
  - b. For oils, identify the type and grade;
  - c. Provide the quantity, concentration of each substance discharged and the method by which the concentration was measured or estimated. For mixtures, provide the name, quantity, and concentration of each constituent of that mixture;
  - d. Provide the solubility and specific gravity of each substance discharged.

Answer:

- A. Diesel Fuel – 68476-34-6
  - B. N/A
  - C. 50 gallon – per clean-up site
  - D. Solubility – negligible – Specific gravity = C.A. 0.8
2. Describe the physical source (including, but not limited to vehicle, outfall, tank, container, pipe, ditch, conduit, or equipment) at the Facility from which the oil and/or hazardous substance or substances (the term "substance" as used here includes both oils and hazardous substances) initially was discharged on or around the above referenced date. If the substance was discharged from more than one source, please identify each specific source.

Answer: The source of the substance was a fuel tank from a portable generator.

3. Provide the total quantity of substance(s) released from the Facility in gallons for oils and in pounds for hazardous substances.

Answer: The estimated quantity released is approximately 50 gallons.

4. List the location of the discharge, including the closest street address, the city, county, state, zip code, and provide the Global Positioning System ("GPS") coordinates.

Answer: The discharge occurred near the intersection of Templeton Rd & Brickhouse Rd, Claysville, Washington County, PA 15323

Coordinates: 40°3'42.76"N 80°22'33.77"W

5. List the starting time, date, and duration of the discharge and the time and date when the discharge entered a waterway.

Answer: The generator is typically inspected once per day when in operation. The discharge occurred between inspections. The inspection immediately prior to the observed discharge was on June 2<sup>nd</sup> at 5:00 PM and the discharge was observed on June 3<sup>rd</sup> at 1:00 PM.

6. List the time and date of the discovery of the discharge and the person(s) who made the discovery.

Answer: The generator is inspected a minimum of once per day when in operation. The discharge occurred between inspections. The inspection immediately prior to the observed discharge was on June 2<sup>nd</sup> at 5:00 PM and the discharge was observed on June 3<sup>rd</sup> at 1:00 PM. The person who made the discovery is:

M.J. Porter

Laborer

Burns Drilling and Excavating

Wind Ridge, PA 15380

724-428-4361

7. List the federal and state agencies, if any, to which the owner and/or operator reported the discharge(s), the dates and times on which the reports were made, and the name(s) and title(s) of the person(s) who made the reports.

Answer: None

8. Identify the first body of water that the substance reached. Identify the actual or estimated quantity of the substance(s) that entered that water body. Describe the location of any other water bodies that the substance(s) subsequently entered, including the actual or approximate distance from the Facility. In addition, state the actual or estimated quantity of the substance(s) that entered those additional water bodies.

Answer: The substance reached the Templeton Run Stream. It is estimated that approximately 5 gallons reached the stream. The sheen was not observed entering any other water bodies. The distance from the facility to edge of stream is 15 feet. The fuel did not flow to stream directly but had percolated thru the soil into the stream producing the sheen.



9. Identify any storm drains or sewers through which the substances flowed, and identify the waters to which those storm drains or sewers subsequently drain. State the actual or estimated quantity of the substance(s) that entered the storm drain or sewer.

Answer: None

10. Identify whether each water identified in response to Questions 8 and 9 was, at the time of the spill, a "navigable water" as defined in *Enclosure 1*, a tributary of a navigable water; and/or physically connected to a navigable water. Identify all such navigable waters by name and identify the type of body of water (e.g. river, stream, lake, creek, or other type of body of water).

Answer: The water is the Templeton Run stream which is not a "navigable water". Templeton Run is a tributary of the Enlow Fork stream.

11. If no navigable waters are identified in response to Questions 8-10, identify whether the water system at any time connects with or flows into any hydrological system (such as a creek system). If so, identify the flow, extent, and duration of the connection to that system.

Answer: The substance percolated through the soil to the edge of the streambank resulting in sheen on the water surface.

12. State the flow in cubic feet per second and the dimensions of each water body described in response to Questions 8 and 9. If there is no gauge station in the vicinity, please estimate the flow and provide the basis for that estimate.

Answer: Visual flow observation was made to be 30 – 40 gallons per minute (gpm) which is the basis for the estimate. 30-40 gpm equates to 0.07 – 0.08 cubic feet per second. The dimensions of the Templeton Run stream bed adjacent to the discharge location is approximately 2' wide. On the day the discovery was made, the water in the channel was approximately 4" deep.

13. Provide a description and the location of any adjoining shoreline upon which that substance may have reached. In addition, state the quantity of the substance that reached the adjoining shoreline.

Answer: Not applicable

14. For all discharges of oil to navigable waters, adjoining shorelines to navigable waters, or to any other water/shoreline, please indicate the following:

- a. Did you observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please describe your observations;
- b. Did, to your knowledge, any other person observe from the oil a film, sheen,



discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please identify all such persons and describe those observations;

- c. Did you observe any oil sludge or oil emulsion beneath the surface or on the adjoining shorelines of any water? If yes, please describe your observations;
- d. Did, to your knowledge, any other person observe any oil sludge or oil emulsion to be deposited beneath the surface or on the adjoining shorelines of any water? If yes, please identify all such persons and describe those observations.

Answer:

A. Diesel fuel was observed leaking from a portable generator and present on the ground surface adjacent to the generator. Absorbent pads were used to clean up the diesel that was present on the ground surface. Excavation equipment was mobilized on June 6<sup>th</sup> to the site. Soil was excavated between the generator and the Templeton Run stream until visual inspection indicated the spilled fuel was no longer present. A light sheen was observed following the initial soil excavation and a corrective action plan was submitted to PA DEP by Consol Pennsylvania Coal Company (CPCC) to verify all residual fuel was removed. Please see the answer to question 21 for additional details of the diesel release.

B. The following is a list of persons that observed the sheen:

1. Ryan Mooney, Foreman - Burns Drilling and Excavating, Wind Ridge, PA 15380  
Ph: 724-428-4361
2. Jay W Johnson, Operator - Burns Drilling and Excavating, Wind Ridge, PA 15380  
Ph: 724-428-4361
3. Jay T Johnson, Laborer - Burns Drilling and Excavating, Wind Ridge, PA 15380  
Ph: 724-428-4361
4. MJ Porter, Laborer - Burns Drilling and Excavating, Wind Ridge, PA 15380  
Ph: 724-428-4361
5. Bill Anderson, Mechanic - Burns Drilling and Excavating, Wind Ridge, PA 15380  
Ph: 724-428-4361
6. Cody Gibson, Operator - Burns Drilling and Excavating, Wind Ridge, PA 15380  
Ph: 724-428-4361
7. Matt Obrad, Operator - Burns Drilling and Excavating, Wind Ridge, PA 15380  
Ph: 724-428-4361
8. Carl Williams, Operator - Burns Drilling and Excavating, Wind Ridge, PA 15380  
Ph: 724-428-4361
9. Brian Benson, Supervisor Mitigation and Monitoring Coal – Consol Pennsylvania Coal Company, Canonsburg PA 15317 Ph: 724-485-4331
10. Shawn Staley and Anne Hong, Pennsylvania Department of Environmental Protection – California District Mining Office - 25 Technology Drive California Technology Park, Coal Center, PA 15423 Ph: 724-769-1100
11. Eric B. Davis PA Fish and Boat Commission 236 Lake Rd Somerset, PA 15501 Ph: 814-233-9721
12. Larry Stewart, Excavator Operator – Weavertown Environmental Group, Carnegie, Pa 15106 Ph: 724-746-4850
13. Robert Stewart, Environmental Scientist – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850
14. Donna Zingaro, Environmental Scientist – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850
15. Jack Anderson, Vac Truck Operator – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850



16. Tim Farber, Roll-Off Driver – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850
17. Ed Henry, Roll-Off Driver – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850
18. Fritz Scarfone, Roll-Off Driver – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850
19. Chris Koger, Roll-Off Driver – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850

C. None

D. None

15. Describe any damage to animal life or vegetation that you observed or otherwise have knowledge of.

Answer: A small area of vegetation (10'x30') was damaged along the stream bank. There was no visible damage to the aquatic life in the stream.

16. List the name, address, telephone number, and affiliation of any and all persons who made any observations in response to Questions 14 and 15.

1. Ryan Mooney, Foreman - Burns Drilling and Excavating, Wind Ridge, PA 15380 Ph: 724-428-4361
2. Jay Johnson, Operator - Burns Drilling and Excavating, Wind Ridge, PA 15380 Ph: 724-428-4361
3. Jay Johnson Jr., Laborer – Burns Drilling and Excavating, Wind Ridge, Pa 15380 Ph: 724-428-4361
4. MJ Porter, Laborer - Burns Drilling and Excavating, Wind Ridge, PA 15380 Ph: 724-428-4361
5. Bill Anderson, Mechanic - Burns Drilling and Excavating, Wind Ridge, PA 15380 Ph: 724-428-4361
6. Cody Gibson, Operator - Burns Drilling and Excavating, Wind Ridge, PA 15380 Ph: 724-428-4361
7. Matt Obrad, Operator - Burns Drilling and Excavating, Wind Ridge, PA 15380 Ph: 724-428-4361
8. Carl Williams, Operator - Burns Drilling and Excavating, Wind Ridge, PA 15380 Ph: 724-428-4361
9. Brian Benson, Supervisor Mitigation and Monitoring Coal – Consol Pennsylvania Coal Company, Canonsburg PA 15317 Ph: 724-485-4331
10. Shawn Staley and Anne Hong, Pennsylvania Department of Environmental Protection – California District Mining Office - 25 Technology Drive California Technology Park, Coal Center, PA 15423 Ph: 724-769-1100
11. Eric B. Davis PA Fish and Boat Commission 236 Lake Rd Somerset, PA 15501 Ph: 814-233-9721
12. Larry Stewart, Excavator Operator – Weavertown Environmental Group, Carnegie, Pa 15106 Ph: 724-746-4850
13. Robert Stewart, Environmental Scientist – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850
14. Donna Zingaro, Environmental Scientist – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850
15. Jack Anderson, Vac Truck Operator – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850



16. Tim Farber, Roll-Off Driver – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850
17. Ed Henry, Roll-Off Driver – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850
18. Fritz Scarfone, Roll-Off Driver – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850
19. Chris Koger, Roll-Off Driver – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850

17. Identify the effect of the spill(s) on any water supply and give details if available (e.g., shutdown of public or private water supply). Provide the names and addresses of all persons that have been provided with an alternative water supply (e.g., bottled water) due to the spill or because of the threatened migration of contamination.

Answer: None

18. Does the facility have a National Pollutant Discharge Elimination System (NPDES) Permit or permit application? If yes, provide the permit number or, if no permit number has been issued at the time, the date upon which the application was filed.

Answer: The facility does not have a NPDES permit or permit application.

19. If the substance(s) was discharged from an outfall, state whether the outfall was covered by an NPDES permit issued pursuant to Section 402 of the Act.

Answer: The substance was not discharged from an outfall

20. Identify all NPDES or state wastewater discharge permit conditions and/or water quality standards that may have been violated by the spill.

Answer: There are no NPDES or wastewater discharge permits required for the site. The Pennsylvania Clean Streams Law was violated by the release of this material to the stream.

21. Provide a complete description of the cause or causes of the discharge (e.g., pump failure, by-pass of treatment system), as well as any other relevant circumstances. If the discharge was caused by the actions of a third party (for instance, as the result of an accident or vandalism), describe in detail the measures that were in place to prevent such actions. For vandalism, identify any enforcement agencies to which the owner or operator reported the vandalism.

Answer: The fuel line on the generator ruptured after personnel working hours. The generator was positioned on top of secondary containment, however, a portion of the generator extended beyond the perimeter of the containment. The fuel spray from the ruptured fuel line traveled along the framework of the generator to the portion of the generator the extended beyond the perimeter of the containment and leaked onto the ground surface. The substance percolated through the soil resulting in a light sheen on the surface of the Templeton Run Stream.

22. Describe all steps taken to contain and clean up the spill(s) and to mitigate any environmental damage and/or threat to human health.



Answer: Upon discovery of the spill, the generator was immediately deactivated. Excavation equipment was mobilized to the site on June 6<sup>th</sup> 2016. Soil was excavated between the generator and the Templeton Run stream until visual inspection indicated the spilled fuel was no longer present. A light sheen was observed following the initial soil excavation and a corrective action plan was submitted to PA DEP by CPCC to verify all residual fuel was removed. Additional soil excavation, photoionization detection (PID) monitoring and soil sampling was completed between 7/27/16 and 8/4/16. Approximately 270 tons of impacted soil was removed from the site and disposed of at an approved disposal facility.

- a. Provide the estimated cost of cleanup/mitigation activities.

Answer: Cost of clean-up \$56,512.

23. Describe any actions taken or planned to prevent the recurrence of incidents such as the release(s) identified above.

Answer: The secondary containment was enlarged so that a suitable space exists between the edge of the equipment and the perimeter of the containment. The equipment is checked every day for leaks and an equipment check list is filled out. Hoses on generators are checked for cracks or for any leaks at couplings and findings are reported by the operator of the facility. A supervisor also checks 3 times weekly and supervisors review the check lists. These documents are filed at Burns Drilling and Excavating's office.

24. List the names, addresses, telephone numbers, and affiliations (*e.g.*, name of governmental agency, contractor, or other entity) of all persons who were on the scene during the incident and/or during cleanup operations, as well as any other persons not present but otherwise believed to have knowledge of the facts surrounding the incident or incidents. For each person identified in response to this question, provide the time period during which they were present at the facility.

1. Ryan Mooney, Foreman - Burns Drilling and Excavating, Wind Ridge, PA 15380  
Ph: 724-428-4361 – Present during discovery and clean up
2. Jay Johnson, Operator - Burns Drilling and Excavating, Wind Ridge, PA 15380  
Ph: 724-428-4361 – Present during discovery
3. Jay Johnson Jr., Laborer – Burns Drilling and Excavating, Wind Ridge, PA 15380 – Present during clean up
4. MJ Porter, Laborer - Burns Drilling and Excavating, Wind Ridge, PA 15380  
Ph: 724-428-4361 – Present during discovery
5. Bill Anderson, Mechanic - Burns Drilling and Excavating, Wind Ridge, PA 15380  
Ph: 724-428-4361 – Present during discovery
6. Cody Gibson, Operator - Burns Drilling and Excavating, Wind Ridge, PA 15380  
Ph: 724-428-4361
7. Matt Obrad, Operator - Burns Drilling and Excavating, Wind Ridge, PA 15380  
Ph: 724-428-4361
8. Carl Williams, Operator - Burns Drilling and Excavating, Wind Ridge, PA 15380  
Ph: 724-428-4361
9. Brian Benson, Supervisor Mitigation and Monitoring, Coal – Consol Pennsylvania Coal Company, Canonsburg PA 15317 Ph: 724-485-4331 – Present after discovery and during a portion of the clean up
10. Rob Venczel, Hydrogeologist, Coal – Consol Pennsylvania Coal Company, Canonsburg, PA 15317 Ph: 724-485-3220 – Present during a portion of the clean up
11. Kerry Goodballet, 5 Manager Permitting and Compliance, Coal –



- Consol Pennsylvania Coal Company, Canonsburg, Pa 15317 Ph: 724-485-4267 – Not Present
12. Carrie Crumpton, General Manager Environmental Regulatory Affairs, CONSOL Energy Inc, Canonsburg, Pa 15317 Ph: 724-485-4164 – Not Present
  13. Shawn Staley, William Keefer, Richard Kormanik and Anne Hong, Pennsylvania Department of Environmental Protection – California District Mining Office - 25 Technology Drive California Technology Park, Coal Center, PA 15423 Ph: 724-769-1100 – Present after discovery and prior to clean up
  14. Eric B. Davis PA Fish and Boat Commission 236 Lake Rd Somerset, PA 15501 Ph: 814-233-9721 – Present after discovery and prior to clean up
  15. Larry Stewart, Excavator Operator – Weavertown Environmental Group, Carnegie, Pa 15106 Ph: 724-746-4850 – Present during clean up
  16. Robert Stewart, Environmental Scientist – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850 – Present during clean up
  17. Donna Zingaro, Environmental Scientist – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850 – Present during clean up
  18. Jack Anderson, Vac Truck Operator – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850 – Present during clean up
  19. Tim Farber, Roll-Off Driver – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850 – Present during clean up
  20. Ed Henry, Roll-Off Driver – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850 – Present during clean up
  21. Fritz Scarfone, Roll-Off Driver – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850 – Present during clean up
  22. Chris Koger, Roll-Off Driver – Weavertown Environmental Group, Carnegie Pa 15106 Ph: 724-746-4850 – Present during clean up

25. Provide the date on which operations began at the Facility

Answer: Approximately June 2013

26. Provide the name(s) and address(es) of the owner(s) of the Facility.

Answer: Burns Drilling and Excavating  
618 Crabapple Rd  
Wind Ridge, Pa 15380

27. Provide the name and address of the operator(s) of the Facility and describe the relationship between the owner(s) and operator(s) (*i.e.*, employee, subcontractor, lessee, etc.). Identify any persons who concurrently with you exercised actual control or who held significant authority to control activities at the Facility at any time.

Answer: Burns Drilling and Excavating  
618 Crabapple Rd  
Wind Ridge, Pa 15380  
Alfred Burns



Alfred Burns is the owner of Burns Drilling and Excavating. Burns Drilling and Excavating is contracted by Consol Pennsylvania Coal Company to operate and maintain the generator and water pumping operations at the site.

28. For production facilities, identify all prior owners and operators of the production facilities.

Answer: None

29. Identify any other leaks, spills, or releases of oil and/or hazardous substances into the environment that have occurred from the Facility within the last three years. For each such release, provide the following:
- date;
  - duration of the release;
  - substance(s) released;
  - the approximate quantity of the substance(s) released;
  - the cause of the release;
  - the location of the release;
  - any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
  - The result of any and all investigations of the circumstances, nature, extent or location of the release or threatened release, including the results of any soil and water (ground and surface) testing undertaken;
  - Whether any persons were provided with an alternative water supply; and
  - All persons with information related to these releases.

Answer: None

30. Describe the storage units at the Facility (*e.g.*, above ground tanks or underground tanks) and provide the types of substance(s) stored and the total storage capacity of each storage unit by name and CAS number.

Answer: In addition to the diesel generator, two 500 barrel fresh water storage tanks are present. The generator onsite has a fuel tank capacity of 140 gallons

31. Does the owner/operator of the Facility have in place a Spill Prevention, Control and Countermeasures ("SPCC") plan pursuant to 40 C.F.R. Part 112?

Answer: A Spill Prevention, Control and Countermeasures plan is not required for the site; the aggregate oil storage capacity is less than 1,320 gallons.

32. Provide a description of all procedures used to prevent and/or contain spills of substances from the Facility. This description should indicate the tanks, tank cars, tank trucks, or other equipment that are protected by dikes, the amount of material that can be contained by each dike, and the number of tanks, tank cars, tank trucks, and other equipment protected by each dike.

Answer: Provide containment of suitable material that will handle over 200% of fluids from facility.



33. List any other information you wish to bring to the attention of the federal government at this time related to this matter.

Answer: Remediation efforts are complete. All impacted soils and other materials have been removed from the site and disposed of in a permitted solid waste facility.



Certify the information provided in response to the above questions in the following manner:

I hereby certify the above to be true and accurate to the best of my knowledge.

Signature: Alfred Burns  
Name (Please print or type): Alfred Burns  
Title: President  
Telephone Number: 724-428-4361

Your response should be mailed within thirty (30) days of your receipt of this letter to:

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
ATTN: PAULA CURTIN (MAILCODE 3HS61)  
1060 CHAPLINE STREET  
WHEELING, WV 26003

Or, your response may be electronically submitted to: Curtin.paula@epa.gov

This **request** for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

If you have any questions on this matter, please call Paula Curtin at (304) 234-0256.

Sincerely,

Joan Armstrong, Associate Director  
Office of Enforcement  
Hazardous Site Cleanup Division

cc: Paula Curtin (3HS61)

## ENCLOSURE 1: DEFINITIONS

**Discharge:** For purposes of Section 311 of the Act, a discharge to navigable waters or adjoining shorelines includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but excludes certain discharges in compliance with a permit under Section 402 of the Act.

**Drill Pad:** Drill pad shall mean any drilling pad, platform, or other structure designed for use and/or actually used to drill for purposes of natural gas production, and shall include any and all equipment such as drill rigs, contained thereon.

**Onshore facility:** The term onshore facility shall mean any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land.

**Offshore facility:** The term offshore facility shall mean any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel.

**Navigable Waters:** Navigable waters of the United States means "navigable waters" as defined in section 502(7) of the FWPCA, and includes: (1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92-500), and tributaries of such waters; (2) Interstate waters; (3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and (4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

**Mobile Refueler:** Mobile refueler means a bulk storage container onboard a vehicle or towed, that is designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.

**Natural Gas Production Facility:** Natural Gas Production Facility (NGPF) means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary non-transportation equipment) used in the production, extraction, recovery, movement, stabilization, separation and/or treating of natural gas.

**Oil-filled Operational Equipment:** Oil-filled operational equipment means equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device. Oil-filled operational equipment is not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process). Examples of oil-filled operational equipment include, but are not limited to, hydraulic systems, lubricating systems (*e.g.*, those for pumps, compressors and other rotating equipment, including pumpjack lubrication systems), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable the operation of the device.

**Well:** The term means any well that is used for or is related to natural gas production.



**ENCLOSURE 2: LIST OF CONTRACTORS THAT MAY REVIEW YOUR RESPONSE**

Emergint Technologies, Inc.  
Contract # EP-W-11-025  
Subcontractor: Booz-Allen & Hamilton

Booz-Allen & Hamilton  
Contract # EP-W-11-016

CDM-Federal Programs Corporation  
Contract # EP-S3-07-06  
Subcontractors: CDI-Infrastructure, LLC d/b/a  
L.R. Kimball,  
Avatar Environmental LLC,  
Terradon Corporation

Cherokee Nation Assurance, LLC  
Contract #EP-S3-14-0 I

EA Engineering, Science and Technology, Inc.  
Contract #EP-S3-07-07  
Subcontractor: URS

Eisenstein Malanchuck, LLP  
Contract #EP-W-13-006  
Subcontractor: R. M. Fields International, LLC

Hydrogeologic (HGL)  
Contract #EP-S3-07-05  
Subcontractor: CH2MHill  
Sullivan International

Solutions  
Contract #EP-S3-1502

Tech Law, Inc. (Removal Program)  
Contract #EP-S3-1503

Tetra Tech NUS, Inc.  
Contract #EP-S3-07-04

Kemron Environmental Services, Inc.  
Contract #EP-S3-12-01,  
Subcontractor: AECOM Technical Services, Inc.

Guardian Environmental Services Company, Inc.  
Contract #EP-S3-12-02,  
Subcontractors: Aerotek, Inc.,  
Tetra Tech, Inc.

Environmental Restoration, LLC  
Contract # EP-S3-12-03  
Subcontractors: Aerotek, Inc.,  
Haas Environmental, Inc.,  
Hertz

Northstar Federal Services, Inc.  
Contract # EP-S3-12-05

ICF International  
Contract # EP-BPA-i2-W-0003

Cooperative Agreements  
National Association of Hispanic Elderly  
CA# CQ-835398

National Older Workers Career Center  
CA# Q-835621